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ATTORNEY DOCKET NO.: 47113-5092

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Kenneth GÖRANSSON et al.)	Confirmation No.: 2362
)	
Application No.: 10/589,945)	Group Art Unit: Unassigned
)	
Filed: August 18, 2006)	Examiner: Unassigned
)	
For: CR-AL-STEEL FOR HIGH-TEMPERATURE)	
APPLICATIONS)	

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

**SUBMISSION OF INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY AND WRITTEN OPINION**

Applicants bring to the attention of the Examiner the attached document.

Attached is an English-language translation of an International Preliminary Report on Patentability ("IPRP") issued August 29, 2006 and Written Opinion of the International Searching Authority mailed on June 2, 2005 that issued in related PCT/SE2005/000249 application. Applicants respectfully request that the Examiner consider the IPRP as it relates to the above-identified application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

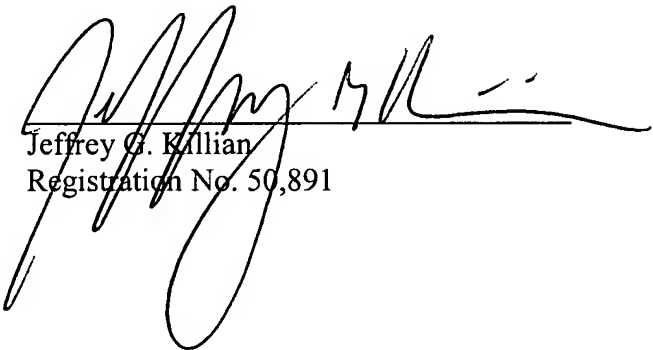
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: December 27, 2006

By:


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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference LM 11895 WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/SE2005/000249	International filing date (<i>day/month/year</i>) 21 February 2005 (21.02.2005)	Priority date (<i>day/month/year</i>) 23 February 2004 (23.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant SANDVIK INTELLECTUAL PROPERTY AB			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis 2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 29 August 2006 (29.08.2006)
Facsimile No. +41 22 338 82 70		Authorized officer Philippe Becamel
Form PCT/IB/373 (January 2004)		e-mail: pt12@wipo.int

PT 12

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

Sandvik AB
Intellectual Property
S-811 81 SANDVIKEN
Sweden

REC'D 08 JUN 2005

WIP PCT

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 02 -06- 2005Applicant's or agent's file reference
LM 11895 WOFOR FURTHER ACTION
See paragraph 2 belowInternational application No.
PCT/SE 2005/000249International filing date (day/month/year)
21.02.2005Priority date (day/month/year)
23.02.2004International Patent Classification (IPC) or both national classification and IPC
C22C 38/06, C22C 38/18Applicant
SANDVIK AB et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/SE
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/SE 2005/000249

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language, _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/SE 2005/000249

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2	YES
	Claims	1, 3-4, 5, 6, 7, 8	NO
Inventive step (IS)	Claims		YES
	Claims	1-4, 5, 6, 7, 8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents:

D1: EP 688 882 A1

D2: EP 667 400 A1

Discussion.

The invention refers to a ferritic steel alloy including as the major characterizing alloying elements chromium and aluminium. Steels of this kind have very good high temperature oxidation resistance properties and are typically used as supports in catalytic systems and in heating furnaces. Normally, the steels also contain molybdenum, titanium or niobium, strong carbide formers such as zirconium and oxide modifying metals such as REM. D1 and D2 describes steels of this kind. From D1 it is known to prepare products, especially foils, by coating a substrate of the steel with aluminium or an aluminium alloy in order to further increase the aluminium content.

The present claims refer to a ferritic steel composition, claim 1, and a method of producing the steel by coating a substrate alloy with aluminium or an aluminium alloy, claim 5.

.../...

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SE 2005/000249

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of BOX V

D2 discloses a steel alloy according to claim 1, 3 and 4 (table 1, RV634). Normally, molybdenum can be substituted for tungsten as is stated in claim 2.

D1 discloses thin sheets or foils of a base material of steel having a composition according to claim 5 which is to be coated with an aluminium alloy (table 2, No. 11). Consequently, the method according to claim 5 lacks novelty.

As a result of the measures according to D1, steel according to present claim 1 is most probably formed. Note, in claim 5 it is stated that a mere coating of the substrate may result in the alloy composition according to claim 1, because there is no statements about a heat treatment or the like.

The products according to claim 6 and the uses according to claims 7 and 8 are known from D1 and D2.